

MINTZ LEVIN  
COHN FERRIS  
GLOVSKY AND  
POPEO PC

Washington

Boston

New York

Reston

ORIGINAL

RECEIVED

MAR 08 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

701 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202 434 7300  
202 434 7400 fax  
www.mintz.com

James L. Casserly

Direct dial 202 661 8749  
jlcasserly@mintz.com

March 8, 2000

EX PARTE OR LATE FILED

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: Ex parte - CC Docket No. 00-4  
In the Matter of Application of SBC Communications  
Inc., Southwestern Bell Communications Services, Inc.  
d/b/a Southwestern Bell Long Distance for Provision  
of In-Region, InterLATA Services in Texas

Dear Ms. Salas:

Our client, AT&T, wishes to respond to the assertions made in the reply affidavit of W.C. Deere, attached as an exhibit to SWBT's reply comments, regarding SWBT's interconnection requirements. Those statements mischaracterize AT&T's arguments and contain false assertions of AT&T's intent to which AT&T has had no opportunity to respond.

AT&T's initial comments noted that SWBT's interconnection policies do not permit competing carriers to interconnect at any technically feasible point of their choosing, as the law requires, but instead require that they "interconnect in each local exchange area in which they wish to provide local service." AT&T Comments at 59-60. AT&T further pointed out that SWBT's interconnection policies significantly delay competitive entry in those local exchange areas not served by a local tandem. *Id.* SWBT's response wholly fails to address these concerns.<sup>1/</sup> Instead, it addresses an argument that AT&T never made.

Mr. Deere nowhere responds to AT&T's point that SWBT requires interconnection in every local exchange area. Instead, Mr. Deere mischaracterizes AT&T's claim as contending that SWBT requires interconnection in each central office. AT&T, however, did not make such a claim. Instead, it objected to SWBT's requirement that AT&T must establish direct trunks to

<sup>1/</sup> Reply Affidavit of W.C. Deere, ¶¶ 24, 25 ("Deere Reply Aff.").

No. of Copies rec'd 012  
List ABCDE

March 8, 2000

Page 2

each and every central office in any exchange that is not served by a local tandem, rather than permitting AT&T to interconnect at the access tandem serving such central offices. AT&T demonstrated that this policy materially delayed AT&T's local market entry in the Dallas area. Specifically, as noted in the DeYoung Interconnection Declaration, SWBT's requirement that AT&T establish direct trunking led to a three-month delay in AT&T's final testing of its telephony-over-cable service in the Dallas area, delaying competition to more than 50,000 homes.<sup>2</sup> Moreover, AT&T submitted evidence that SWBT's policies increase new entrants' costs and hinder the ability of competing carriers such as AT&T to plan their entry strategy.<sup>3</sup> SWBT confirms that it imposes this trunking requirement, and fails to respond to AT&T's evidence concerning the competitive harm it causes.<sup>4/</sup>

Similarly, SWBT does not refute AT&T's evidence that SWBT's unlawful requirement affects a full thirty to thirty-five percent of central offices and remote switches in Texas that do not subtend or home to a local tandem. Nor does it refute AT&T's evidence that SWBT's documentation fails to identify which central offices fall within that thirty to thirty-five percent, making it impossible for competing carriers to determine in advance whether they can interconnect at a tandem, or whether extensive trunking will be required. AT&T Comments at 60.<sup>5/</sup>

Notably, SWBT does not deny that permitting interconnection at its access tandems – the solution AT&T identified in its Comments – is technically feasible. Rather, it erroneously contends that AT&T wants to interconnect at the access tandem in order to exchange local and intraLATA toll traffic as if all of its traffic were intraLATA toll traffic. Deere Reply Aff. ¶ 24. This is simply not true, and defies logic. AT&T would not request to have its local traffic rated as intraLATA toll traffic. Rather, AT&T simply requests that it be permitted to exchange its local, as well as other traffic, at the access tandem, just as other incumbent LECs permit interconnection at tandem switches, and as the law requires.<sup>6/</sup>

Finally it is worth noting that there is no pending state proceeding that will address AT&T's claim, and SWBT's interconnection policies continue to hamper AT&T's efforts to enter the Texas market on a facilities basis, further delaying competitive alternatives for residential consumers.

---

<sup>2</sup> DeYoung Interconnection Decl. ¶¶ 21-23.

<sup>3</sup> DeYoung Interconnection Decl. ¶¶ 21-26.

<sup>4/</sup> Deere Reply Aff. ¶ 25.

<sup>5/</sup> See also, DeYoung Interconnection Decl. ¶¶ 15, 26-27.

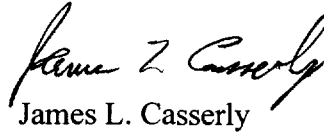
<sup>6/</sup> See DeYoung Interconnection Decl. ¶ 20.

March 8, 2000

Page 3

Please place a copy of this correspondence in the record of this proceeding. Two copies of this Notice are being submitted to the Secretary of the Commission in accordance with Section 1.1206(b)(2) of the Commission's Rules.

Sincerely,



James L. Casserly

JLC:adw

cc: Ms. Kathryn Brown  
Ms. Dorothy Attwood  
Mr. Jordan Goldstein  
Ms. Rebecca Beynon  
Mr. Kyle Dixon  
Ms. Sarah Whitesell  
Mr. Larry Strickling  
Mr. Robert Atkinson  
Ms. Michele Carey  
Mr. Jake Jennings  
Ms. Margaret Egler